



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,129	08/04/1999	HI-CHAN MOON	678-325-P882	5183

28249 7590 12/14/2005

DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
----------	--------------

2681

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/368,129

Applicant(s)

MOON, HI-CHAN

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-10, 96 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (U.S. Patent Publication Number 2001/0055968).

Regarding claim 1, Yoshida et al. discloses essentially all the claimed invention as set forth in the instant application, further Yoshida et al. discloses a signal transmitting method in a base station (which reads on paragraph 0060), comprising the steps of: transmitting a common channel signal at a first predetermined power level; transmitting a pilot signal at a second predetermined power level, the pilot signal being transmitted at a power level greater than the second predetermined power level for a predetermined time period; and transmitting a data channel signal (which reads on paragraph 0017).

Regarding claim 2, Yoshida et al. discloses the pilot signal transmitted at the predetermined power level is spread first spreading code, and the pilot signal being transmitted at the higher power level for the predetermined time period is spread by a second spreading code (which reads on paragraph 0003).

Regarding claim 3, Yoshida et al. discloses wherein the pilot signal is spread by one spreading (which reads on paragraph 0042)

Regarding claims 4 and 5, Yoshida et al. discloses wherein the first and second spreading codes are orthogonal codes (which reads on paragraph 0042).

Regarding claim 6, Yoshida et al. discloses wherein the predetermined time period is located at the boundary of consecutive data frames of the second signal (which reads on paragraph 0005).

Regarding claim 7, Yoshida et al. discloses wherein the predetermined time period occupies half of said consecutive data frames (which reads on paragraph 0017).

Regarding claim 8, Yoshida et al. discloses wherein the predetermined time period is set in consideration of propagation environment around the base station, arrangement of base stations, and a signal bandwidth (which reads on paragraph 0041).

Regarding claim 9, Yoshida et al. discloses wherein the predetermined time period represents a fraction of one data frame (which reads on paragraph 0017).

Regarding claim 10, Yoshida et al. discloses wherein the higher power level is equal to the overall transmission power of the base station (which reads on paragraph 0017).

Regarding claim 96, Yoshida et al. discloses wherein the transmission power of one of the common channel signal and the data channel signal is decreased for the predetermined time period (which reads on paragraph 0020).

Response to Arguments

2. Applicant's arguments filed 6/27/05 have been fully considered but they are not persuasive.

Regarding applicants arguments concerning claim 1, the applicant submitted that there is no disclosure in Yoshida, in paragraph 17 or any other section, of a base station for transmitting a common channel signal at a first predetermined power level; transmitting a pilot signal at a second predetermined power level, the pilot signal being transmitted at a power level greater than the second predetermined power level for a predetermined time period; and transmitting a data channel signal, the examiner contends that this limitation is met at paragraph 0060 "a base station transmission signal is received as a mobile station reception signal and is delivered from the duplexer 104 to a radio frequency portion 105 and a down converter 106 to be converted into a sequence of base band signals. In the illustrated example, the base band signal sequence conveys first through N-th pilot signals P11-P1N sent from the first through the N-th base stations and first through M-th transmission power control bits Bpc1-BpcM sent from the first through the M-th base stations under connections, as mentioned before. Herein, the first through the N-th base stations stand for base stations from which the pilot signals can be received and are usually different in number from the first through the M-th base stations. This is because transmission power of each pilot signal is generally greater than that of a data signal sequence between each mobile station and each base station."

Therefore the examiner restates and stands by the above rejection.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (571)272-7847. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith

December 7, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER